

REMARKS/ARGUMENTS

The arguments and amendments presented herein incorporate the arguments and amendments Applicants discussed with the Examiner during the phone interviews on June 6, 2007. Applicants submit that the arguments and amendments presented herein make the substance of the phone interview of record to comply with 37 CFR 1.133. If the Examiner believes that further information on the interview needs to be made of record to comply with the requirements, Applicants request the Examiner to identify such further information.

Applicants canceled claims 14, 16, 31, and 45.

1. Claims 1-13, 15, 17-30, and 32-44 Comply with 35 U.S.C. §112, par. 2

The Examiner rejected claims 1-13, 15, 17-30, and 32-44 as indefinite (35 U.S.C. §112, par. 2) on the grounds it was unclear whether the claims are covering bidding for a buyer or a seller of the service. (Third Office Action, pgs. 2-3)

During the phone interview, the attorney for Applicants discussed with the Examiner adding the requirements of claims 14, 16, 31, and 45 to claims 1, 15, 18, and 32 that the “user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services.” The Examiner said she would reconsider the Section 112 rejection in view of this amendment.

Applicants submit that this amendment clarifies that the “user” requesting the bids for the service comprises a seller, claimed “service provider” that seeks bidders who will purchase or buy the user’s services. Further, the “user” may comprise a buyer, claimed “service user” seeking service providers to bid to offer their services.

Applicants submit that this amendment clarifies that the “user” may be a service provider or service provider consumer, i.e., “user seeking service providers to bid to offer their services.”

Applicants submit that the amended claims overcome the Section 112 rejection.

Moreover, Applicants are not conceding in this application that the claims in their current form do not comply with Section 112, par. 2, but are making these amendments to facilitate expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation applications.

2. Claims 1-13, 15, 17-30, and 32-44 are Patentable Over the Cited Art

The Examiner rejected claims 1-13, 15, 17-30, and 32-44 as obvious (35 U.S.C. §103) over Gans ("Contracts and Electricity Pool Prices", by Gans, Jun. 1998) and Calabria ("Lotus Notes 4.5 and the Internet"). Applicants traverse for the following reasons.

Amended claims 1, 18, and 32 concern implementing an auction, and require: maintaining scheduled event records for a user within a computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot; receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services; determining scheduled event records for the user within the indicated time period; generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

As discussed Applicants amended these claims to recite that the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services.

The Examiner cited section 2, para. 2 and section 1, para. 3 of Gans with respect to the auction requirements. (Third Office Action, pg. 4)

The cited section 2 discusses the risk of fluctuating electricity pool prices. A pool market for electricity production has generators making half-hourly bids of generation and a price schedule and a pool operator using these bids for a dispatch schedule. (Gans, Section 1, para. 2) The cited section 2 further mentions that the availability of generation capacity is less predictable and generators choose how much electricity they will offer to produce. The cited section 1 mentions that generators and retailers can share risks associated with a fluctuating pool price.

The cited Gans discusses an electricity pool for bidding for electricity from generators. The Examiner recognized that Gans does not have a calendar feature, but found that that it is assumed that with half-hour increments there must be some calendar or system to calculate the day and time for the bid. (Third Office Action, pg. 4) Applicants traverse.

Nowhere does the cited Gans anywhere teach or suggest displaying a calendar for a time period showing time slots, where an available time slot for which a bid may be submitted comprises a time range that does not include one scheduled event record for the user at a calendar time. Nowhere does the cited Gans anywhere teach that the available time slots for which bids may be received are based on calendar scheduled event records for the user requesting bids for a service.

The Examiner notes “half hour” increments in Gans. (Third Office Action, pg. 4) The cited section 1 mentions that the pool is characterized by generators making half-hourly bids of generation. Applicants submit that bidding at half hour intervals teaches away from using a user calendar of scheduled events to determine available time slots for which a bid may be submitted. If the bid is for half hour increments, then there would be no need to look at a calendar of the user to determine available time slots for bidding because the bidding would be done for every half hour period, not based on available calendar time slots in a user calendar as claimed. Thus, the cited Gans teaches away from determining available time slots in a user calendar for time periods for which bids may be received because Gans mentions that bids are at half-hour increments.

Applicants submit that the cited Calabria also fails to teach the claim requirements. The cited pg. 137-142, specifically 139 (Third Office Action, pg. 4), discusses an electronic calendar in which the user may enter calendar appointments, events and invitations, and that a user can create an appointment or meeting and invite others to attend.

The cited Calabria discusses general electronic calendar operations and nowhere teaches or suggests how to use a calendar to determine available time slots for which bids may be received for a service. Further, nowhere does the cited Calabria anywhere teach or suggest how calendar scheduled events for a user are used to determine available time slots for which bids for a service may be received.

Applicants submit that the even if one combines Gann with Calabria, the cited combination still does not teach or suggest the claim requirements using scheduled event records from a user calendar to determine available time slots for which bids may be received for a service requested by the user.

Accordingly, claims 1, 18, and 32 are patentable over the cited art because the cited Gans and Calabria do not teach or suggest the claimed combination.

Claims 2-13, 19-30, and 32-44 are patentable over the cited art because they depend from one of claims 1, 18, and 32, which are patentable over the cited art for the reasons discussed above. Moreover, the following discussed dependent claims provide additional grounds of patentability over the cited art.

Amended claims 9, 26, and 40 depend from claims 1, 18, and 32 and further require that the user is a service provider requesting that clients bid for the user to provide the service during available time slots, and further require that in response to an expiration of the bidding period, determining one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot; and accepting bids having the highest bid amounts in the available time slots.

Applicants amended these claims to clarify that highest bids are determined for a plurality of available time slots, which is disclosed on at least pg. 19, lines 15-25 of the Specification. .

The Examiner cited Section 1, para. 2 of Gans and the discussion of the “highest price pay” as teaching the claim requirements of determining a highest bid in each available time slot. (Third Office Action, pg. 5). Applicants traverse.

The cited section 1 of Gann mentions that generators receive a system marginal price (SMP) on all units dispatched. The SMP is the highest price paid for any unit dispatched. Although the cited section 1 discusses generators receiving a highest price paid for any dispatched, there is no teaching or suggestion that in response to expiration of the bidding period, a determination is made of a highest bid amount in each of the available time slots. Instead, the cited Gans discusses a highest price paid for a dispatched unit.

Accordingly, claims 9, 26, and 40 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 10, 27, and 41 depend from claims 1, 18, and 32 and further require that the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

The Examiner cited the PIM on pg. 139 of Calabria as teaching the additional requirements of these claims. (Third Office Action, pg. 5) Applicants traverse.

The cited Calabria discusses creating a calendar entry and inviting others to meetings. Nowhere does the cited Calabria teach or suggest the that scheduled event records (or calendar entries) are used by a PIM to provide calendaring information independent of the use of these records to generate a template of available time slots for which bids are submitted. The Examiner has not cited any part of Calabria or other references that teach or suggest that the calendar or scheduled event records have a dual use, provide calendaring information as well as being used to determine available time slots for which bids may be submitted to provide a service to the user.

Accordingly, claims 10, 27, and 41 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 11, 28, and 42 depend from claims 1, 18, and 32 and further require displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

The Examiner cited pg. 139 of Calabria as teaching the additional requirements of these claims. (Office Action, pg. 5) Applicants traverse.

Although the cited Calabria discusses how one may modify calendar entries in an electronic calendar, nowhere does the cited Calabria anywhere teach or suggest that modifying and adding scheduled event records limits available time slots for which bids can be submitted to provide a service to the user. The Examiner has not cited any art that teaches or suggests how calendar or event records in a calendar database effect available time slots for which bids to provide a service may be submitted.

Accordingly, claims 11, 28, and 42 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 13, 30, and 44 depend from claims 12, 29, and 43 and further require that each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

The Examiner cited pg. 138, FIG. 22.1 and the "brief description" of Calabria as teaching the additional requirements of these claims. (Third Office Action, pg. 6) Applicants traverse.

The cited pg. 138 shows how a user may create a calendar entry and an invitation to a meeting.

Although the cited Calabria discusses how a description of a calendar event may be provided, nowhere does the cited Calabria anywhere teach or suggest that the template displaying certain time slots as unavailable for bidding does not display a description of the scheduled event for that unavailable time slot. Thus, the claims require that even though there is a scheduled event for an unavailable time slot for bidding to provide a service, the description for that scheduled event record is not displayed.

Accordingly, claims 13, 30, and 44 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

The Examiner rejected independent claim 15, directed to a personal information manager, for the reasons discussed above with respect to claim 1. (Third Office Action, pg. 6) Applicants traverse for the reasons discussed with respect to claim 1 because claim 15 requires that bids for a service are to be performed at available time slots that are void of a scheduled event for the user.

Claims 16-17 are patentable over the cited art because they depend from claim 15, which is patentable over the cited art for the reasons discussed above.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-13, 15, 17-30, and 32-44 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

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The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: June 26, 2006

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